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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,852	12/19/2000	Petrus J.A. Meeuwsen	251502008400	5307

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EXAMINER

CHOWDHURY, IQBAL HOSSAIN

ART UNIT	PAPER NUMBER
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1652

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/601,852	Applicant(s) MEEUWSEN ET AL.	
	Examiner Iqbal Chowdhury, Ph.D.	Art Unit 1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I encompasses, claim(s) 1--27, 34, 39 and 42-44, drawn to endo-xylogalacturonase or endo-xylogalacturonan hydrolase (XGH) polypeptide, polynucleotides and method of use which hydrolyze xylogalacturonic acid polymer (XGA) or polygalacturonic acid (PGA).

Group II encompasses, claim(s) 28-29, 40-42, drawn to a processed plant material i.e. fruit or vegetable juice.

Group III encompasses, claim(s) 35 drawn to a composition comprising gum tragacanth (sGT) treated with a strong acid.

Group IV encompasses, claim(s) 36-38, drawn to a method of screening polypeptide having endo-xylogalacturonase or endo-xylogalacturonan hydrolase (XGH) activity.

For each of inventions I - IV above, election is required of one of inventions I - VI.

2. The inventions listed as Groups I - VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The "special technical feature" of Group I is the polypeptide endo-xylogalacturonase or endo-xylogalacturonan hydrolase (XGH) which

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hydrolyze xylogalacturonic acid (XGA) or polygalacturonic acid present in pectin which is not present in group II. The “special technical feature” of group II is processed plant material derived by hydrolyzing pectin, which is not present in Group I. The only shared technical feature of these groups is that they all relate to pectin of plant material. However, this shared technical feature is not a “special technical feature” as defined by PCT Rule 13.2 as it does not define a contribution over the art. Grassin et al. (US Patent 6465026 B2) and Chun et al. (1998) each teach about pectin of plant material.

3. A composition comprising gum tragacanth treated with strong acid of Group III and endo-xylogalacturonase or endo-xylogalacturonan hydrolase (XGH) polypeptide of Group I, each unrelated and chemically distinct entities. Gum of Group III is a polysaccharide neither made nor used by the polypeptide of group I.

4. The method of Group IV and polysaccharide gum of Group III do not share any “special technical feature”. Gum, which is a polysaccharide, is neither made nor used by the method of screening of Group IV.

5. The method of Group IV do not have unity of invention with Group I as Group I already include a method of use of the polypeptide, which comprises unrelated steps and CFR 1.475 does not provide for the inclusion of multiple methods of use within the main invention.

Furthermore, 37 CFR 1.475 does not provide for multiple products and/or methods within a single application. Therefore, inventions of Group I, II, IV-V and III and VI lack unity of invention.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

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A telephone call was made to Karen Zacho on 05/09/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37CFR 1.48b if one or more of the currently named inventors are no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iqbal Chowdhury whose telephone number is 571-272-8137. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 703-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,

Iqbal Chowdhury, Ph.D.

Examiner, Art Unit 1652

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REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1000
1652